

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JASON ALTHEIDE,

Plaintiff,

v.

GLORIA CARPENTER, *et al.*,

Defendants.

Case No. 3:20-cv-00225-MMD-WGC

ORDER

I. DISCUSSION

Plaintiff, a *pro se* incarcerated person, previously filed an application to proceed *in forma pauperis* and submitted a civil rights Complaint pursuant to 42 U.S.C. § 1983. (ECF Nos. 1, 1-1.) Plaintiff now files a motion for voluntary dismissal. (ECF No. 3.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. Therefore, the Court dismisses this action without prejudice.

II. CONCLUSION

For the foregoing reasons, it is ordered that the motion for voluntary dismissal (ECF No. 3) is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

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1 It is further ordered that the Clerk of the Court enter judgment accordingly and close
2 this case.

3 DATED THIS 17th day of April 2020.

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6 MIRAND M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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